

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BOBBY PAYNE : CIVIL ACTION
v. :
SUPERINTENDENT WYNDE, et al. : NO. 04-4141

ORDER

AND NOW, this 23rd day of August , 2005, upon careful and independent consideration of the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, and after review of the Report and Recommendation of United states Magistrate Judge Peter B. Scuderi, and any objections thereto, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254, is DENIED; and
3. There is no basis for the issuance of a certificate of appealability.

BY THE COURT:

/s/
LEGROME D. DAVIS, J.